

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOSEPH TORRES,

Applicant,

v.

No. CIV-08-1202 WJ/LAM

GEORGE TAPIA, et al.,

Respondents.

**ORDER FOR RESPONDENTS TO
SUBMIT ADDITIONAL STATE COURT RECORDS**

Having reviewed the record of this case and the parties' submissions, the Court **FINDS** that the submission of additional materials by Respondents is warranted pursuant to Rule 5(c) of the Rules Governing Section 2254 Cases in the United States District Courts.

IT IS THEREFORE ORDERED that Respondents shall cause the following additional state court records, in case numbered **D-307-CR-2007-00341**, in the Third Judicial District Court in Doña Ana County, New Mexico, to be forwarded to this Court for examination and review, **on or before May 6, 2009**, with the assurance that they will be returned to the clerk of the proper court or other appropriate state custodian upon the termination of this proceeding:

1. Transcript(s), tape(s) or compact disks of hearing on motion to determine counsel held on June 4, 2007;
2. Transcript(s), tape(s) or compact disks of Applicant Joseph Torres' change of plea hearing held on August 17, 2007;
3. Transcript(s), tape(s) or compact disks of hearing on motion to withdraw held on November 9, 2007;

4. Transcript(s), tape(s) or compact disks of hearing on motion to withdraw held on December 20, 2007; and
5. Transcript(s), tape(s) or compact disks of Applicant Joseph Torres' sentencing hearing held on December 20, 2007.

IT IS FURTHER ORDERED that Respondents shall cause the following additional state court records, in case numbered **D-307-CR-2004-00536**, in the Third Judicial District Court in Dona Ana County, New Mexico, to be forwarded to this Court for examination and review, **on or before May 6, 2009**, with the assurance that they will be returned to the clerk of the proper court or other appropriate state custodian upon the termination of this proceeding:

1. Transcripts, tapes or compact disks of hearing on motion to revoke probation held on April 12, 2007;
2. Transcripts, tapes or compact disks of hearing on motion to revoke probation held on December 7, 2007;
3. Transcripts, tapes or compact disks of hearing on motion to revoke probation held on January 17, 2008;
4. Transcripts, tapes or compact disks of probation revocation hearing held on June 30, 2008; and
5. Transcripts, tapes or compact disks of Applicant Joseph Torres' sentencing hearing held on September 11, 2008.

IT IS FURTHER ORDERED that Respondents shall serve Applicant Joseph Torres with copies of all transcripts, tapes and compact disks that are forwarded to the Court for examination and review pursuant to this Order.

IT IS SO ORDERED.



HONORABLE LOURDES A. MARTINEZ
UNITED STATES MAGISTRATE JUDGE